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Hon. Sarah Netburn
United States Magistrate Judge
Thurgood Marshall
United States Courthouse, Room 430
40 Foley Square
New York, NY 10007

**Re: Operantive, Inc. v. JAND, Inc., d/b/a Warby Parker, Case No. 17-cv-6936:
Joint Status Letter Regarding Settlement Discussions.**

Dear Judge Netburn:

We write pursuant to this Court's November 22, 2019, Order (Dkt. 160) requesting an update as to the status of the settlement discussions currently taking place between the parties. Operantive, Inc. (now known as "Visibly") and Warby Parker continue to work together to draft and revise a final settlement agreement. The parties have exchanged drafts of a proposed settlement agreement throughout the past few weeks attempting to clarify outstanding issues. Earlier today, Visibly's counsel provided Warby Parker with the latest revision to the parties' settlement agreement. Visibly's position is that if Warby Parker accepts the latest version, the completed draft of the Settlement Agreement will be voted on by Visibly's Board of Directors. A meeting of the Visibly Board of Directors is currently scheduled for January 9, 2020.

Given the position of the parties, we respectfully request this Court extend the stay of litigation through January 10, 2020. This will allow the parties time to finalize any outstanding issues and adhere to any necessary corporate formalities. Visibly's counsel has received approval from Warby Parker's counsel to submit the instant letter.

Respectfully Submitted,

/s/ William C. Spence
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Attorney for Defendant, JAND, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on December 20, 2019, a copy of the foregoing **Joint Status Letter Regarding Settlement Discussions** has been filed with the Court's ECF filing system with electronic copies served by e-mail upon:

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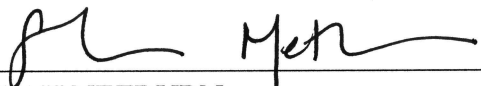
*Attorneys for Defendant JAND, Inc.
d/b/a Warby Parker*

/s/ Michael K. McDonough

GRANTED.

SO ORDERED.

December 23, 2019
New York, New York



SARAH NETBURN
United States Magistrate Judge